

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

CYNTHIA M. FREY (CABN 150571)  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: cynthia.frey@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WALTER SWIFT, )  
 )  
Defendant. )  
 )  
 )

No. CR 12-0214 RS

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM MAY  
22, 2012 TO JUNE 12, 2012 FROM  
CALCULATIONS UNDER THE SPEEDY  
TRIAL ACT

The defendant, Walter Swift, represented by Elizabeth Falk, Assistant Federal Public Defender, and the government, represented by Cynthia Frey, Assistant United States Attorney, appeared before the Honorable Richard Seeborg on May 22, 2012 for a status conference. The defendant asked that the matter be continued to June 5, 2012, as the parties were attempting to resolve the matter. The Court set the matter to June 5, 2012. The parties agreed that time is appropriately excluded under 18 U.S.C. § 3161, the Speedy Trial Act through June 5, 2012. The parties appeared before the Honorable Richard Seeborg on June 5, 2012 and the defendant requested a motions schedule such that the defendant will file a motion on June 12, 2012. The

STIPULATION AND ~~PROPOSED~~ ORDER  
CR 12-0214 RS

1 hearing on the motion is set for July 10, 2012. The parties agreed that time is also appropriately  
 2 excluded between June 5 and June 12, 2012 for effective preparation of counsel.

3 The defendant agrees that an exclusion of time is appropriate under the Speedy Trial Act  
 4 between May 22, 2012 and June 12, 2012, for purposes of effective preparation of counsel, in  
 5 order to allow defense counsel with adequate time to review the discovery, conduct an  
 6 investigation, and consult with the defendant. In addition, the defendant agrees to exclude for  
 7 this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represent that  
 8 granting the continuance, in order to provide defense counsel with adequate time to review the  
 9 discovery, conduct additional investigation, and consult with the defendant, is necessary for  
 10 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
 11 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a  
 12 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18  
 13 U.S.C. § 3161(h)(7)(A).

14 In addition, the defendant agrees that time shall be excluded under the Speedy Trial Act  
 15 between June 12, 2012 and July 10, 2012 due to delay resulting from any pre-trial motion  
 16 through the conclusion of the hearing on or other prompt disposition of such matter. 18 U.S.C. §  
 17 3161(h)(1)(D).

18  
 19 SO STIPULATED:

20  
 21 MELINDA HAAG  
 United States Attorney

22 /s/

23 DATED: June 7, 2012

24 \_\_\_\_\_  
 CYNTHIA M. FREY  
 Assistant United States Attorney

25 /s/

26 DATED: June 7, 2012

27 \_\_\_\_\_  
 ELIZABETH FALK  
 Attorney for WALTER SWIFT

1 The Court finds that failing to exclude the time between May 22, 2012 and June 12,  
2 2012 would unreasonably deny the defendant and counsel the reasonable time necessary for  
3 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
4 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time  
5 between May 22, 2012 and June 12, 2012 from computation under the Speedy Trial Act  
6 outweigh the best interests of the public and the defendants in a speedy trial.

7 Therefore, IT IS HEREBY ORDERED that the time between May 22, 2012 and June 5,  
8 2012, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
9 §§ 3161(h)(1)(G), (h)(7)(A), and 3161(h)(7)(B)(iv).

10  
11 The Court further finds that time is appropriately excluded under the Speedy Trial Act  
12 from June 12, 2012 to July 10, 2012 due to delay resulting from any pre-trial motion  
13 through the conclusion of the hearing on or other prompt disposition of such matter.

14 IT IS THEREFORE ORDERED that the time between June 12, 2012 to July 10, 2012  
15 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(1)(D).

16  
17 DATED: 6/7/12

  
HONORABLE RICHARD SEEBORG  
United States District Judge